In the High Court of Uttaranchal, at Nainital.

A.O. No. 228 of 2004

Rajeev Kumar
S/o Sh. Madan Lal Narula
R/o C-7 Ram Nagar Jwalapur
Post Gurukul Kangri, Tehsil and
District Haridwar ……Appellant.

Vs

Smt. Usha@Pappi@Annu
W/o Rajeev Kumar
D/o Late Sh. Raghuveer Singh Arya
R/o Near Pali Tent House, Railway Road
Doiwala District Dehradun. ….Respondents

Sh. Alok Singh Senior Advocate for the appellant.
Sh. M.C. Pant, Sh. S.S. Yadav and Sh. D.S. Patni
Learned counsel for the respondent.

Dated :21-12-2004

Coram : Hon'ble Irshad Hussain,J.
Hon'ble B.S.Verma,J.

P.C.:

Heard Sh. Pankaj Miglani learned counsel for the appellant and Sh. K.N.Joshi learned counsel for the respondent.

2. This appeal is directed against order dt. 21-5-2004 passed by the Learned Principal Judge Family court Haridwar, whereby the divorce petition was dismissed, in view of the fact that interim maintenance and expenses of the litigation having not been paid by the husband. On that account the dismissal of the proceedings was not justified, because legally, the recovery could have been enforced and the payment could have been ensured to the wife. Considering these facts the order dt. 21-5-2004 is set aside.

3. The learned Principal Judge, Family Court Haridwar to decide the case No. 162/ 2002 Rajeev Kumar Vs. Smt. Usha expeditiously within a period of 3 months. It is also directed that the execution for realization of pendent-lite interim maintenance and expenses shall also be expedited.

4. With the above observations, the appeal is finally disposed of.

(B.S.Verma,J.) **(Irshad Hussain,J.)**

M.K.